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**CATHY A. CATTERSON, CLERK
U.S. COURT OF APPEALS**

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

MANUEL ROSAS,

Defendant - Appellant.

No. 06-30357

D.C. No. CR-05-00219-WFN

MEMORANDUM^{*}

Appeal from the United States District Court
for the Eastern District of Washington
William Fremming Nielsen, Senior District Judge, Presiding

Submitted November 13, 2007^{**}

Before: TROTT, W. FLETCHER, and CALLAHAN, Circuit Judges.

Manuel Rosas appeals from the 63-month sentence imposed following his plea of guilty to being an alien in the United States following deportation, in

^{*} This disposition is not appropriate for publication and is not precedent except as provided by 9th Cir. R. 36-3.

^{**} This panel unanimously finds this case suitable for decision without oral argument. *See* Fed. R. App. P. 34(a)(2).

violation of 8 U.S.C. § 1326(a). We have jurisdiction under 28 U.S.C. § 1291, and we affirm.

Rosas contends that 8 U.S.C. § 1326(b) should be construed to require the defendant to admit, or the jury to find beyond a reasonable doubt, the fact that a prior removal was “subsequent to” a prior felony conviction. Because the record indicates that Rosas admitted the date of removal at the change-of-plea hearing, we reject this contention. *See United States v. Bolanos-Hernandez*, 492 F.3d 1140, 1148 (9th Cir. 2007).

Rosas also contends that *Almendarez-Torres v. United States*, 523 U.S. 224 (1998), is invalid. We also reject this contention. *See Bolanos-Hernandez*, 492 F.3d at 1148.

AFFIRMED.